

STATE OF SOUTH DAKOTA)
)SS:
COUNTY OF PENNINGTON)

IN CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT

FILE NO. DIV

SSN:)
)
 Plaintiff,)
)
vs.)
)
)
SSN:)
)
 Defendant.)

DIVORCE
PRETRIAL ORDER

It is hereby ORDERED:

1. A Pretrial Conference will be held in this matter on _____, at _____, ____m. in Courtroom _____, Rapid City, South Dakota.
2. The trial will commence at the hour of _____, ____m. on _____ through _____.
3. Unless otherwise ordered, the parties shall fully comply with the checked provisions below:

_____ PROPERTY. At the pretrial conference, the parties shall jointly submit to the Court a single list of all real and personal property in which either or both claims an interest. This list shall describe each item of property, state the fair market value each party ascribes to it with any amount owed against it, indicate who desires the item, and whether it was acquired before or during the marriage. The parties shall stipulate at the commencement of the trial that this single list itemizes all the property in which either or both has or claims an interest. The Court will not accept a property exhibit list which fails to comply with this provision. If one side fails to cooperate in the exhibit's preparation, the Court may impose terms upon that party. A suggested form for this exhibit is available upon request.

_____ EXHIBITS. At the pretrial conference, each party shall deliver to the other a list of all exhibits they intend to offer at trial. Thereafter, no later than five business days before the trial, the parties shall stipulate which exhibits may be introduced in evidence without objection, and file written objections to all other exhibits.

_____ DEBTS. At the pretrial conference, each party shall submit to the Court, with copies to each other, a complete and accurate list of all marital and personal debts together with an indication for each debt the party's proposal on who should be responsible for it.

_____ CHILD CUSTODY AND VISITATION. One week prior to trial, each party shall submit to the Court their detailed proposal for child custody and visitation which they wish the Court to adopt.

_____ CHILD SUPPORT. At the pretrial conference, each party shall submit to the Court, with copies to each other, an exhibit showing their annual gross income and their specific proposal for support. Gross income includes, but is not limited to, all items contemplated under SDCL 25-7-7. The exhibit shall itemize all claimed deductions from gross income. If either party requests the Court to deviate from the child support guidelines, the deviation factor shall be identified in the exhibit along with the amount of the requested deviation. A brief written explanation for the requested deviation shall accompany the exhibit.

_____ ALIMONY. At pretrial conference, the party requesting spousal support shall submit to the Court, with a copy to the other party, an exhibit specifically identifying the amount and type of alimony requested, i.e. permanent, temporary, restitutional or rehabilitative. The exhibit shall include a summary of the facts, the authorities and arguments upon which the claim is made.

_____ FAULT. At the pretrial conference, each party shall submit to the Court, with copies to each other, a brief summary of their grounds and defenses and the supporting facts upon which they rely.

_____ ATTORNEY FEES. At the end of the trial, the party claiming that the other party should pay their attorney's fees must submit an attorney's affidavit showing the total amount of fees claimed with an itemization of the work their attorney performed. Failure to submit the affidavit constitutes a waiver of the attorney fee request.

_____ FOUNDATIONAL INFORMATION. At the pretrial conference, each party shall submit to the Court, with copies to each other, an exhibit with the following information:

1. The date of marriage and the date of separation;
2. Their social security number;
3. Their age;
4. Their health and physical condition;
5. Their competency to earn a living;
6. Their contribution to the accumulation of property;
7. The income-producing capacity of the property owned by the parties;
8. Their social standing or status in life;

9. The names, ages and health and physical condition of each child born to the parties;
10. Their summary of what they want from this divorce.

4. All exhibits shall be submitted to the Court Reporter for marking prior to the trial.

5. Except for good cause shown, no party will be permitted to offer in evidence any exhibit or offer not in compliance with this Order or the testimony of any witness not listed in the Pretrial Check list, other than rebuttal or impeachment witnesses. The Court reserves the right to impose terms for any delay in trial or decision.

Dated this _____ day of _____, _____.

BY THE COURT:

JANINE KERN
Circuit Court Judge

ATTEST:

Ranae Truman
Pennington County Clerk of Courts

BY: _____

Deputy

(SEAL)